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EXAMINER

CANGIALOSI, SALVATORE A

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 10/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/046,933

Applicant(s)

BRATTON ET AL.

Examiner

Salvatore Cangialosi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 11 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14-36 and 38-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14-36, 38-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

2. Claims 1-12, 14-36, 38-60 are rejected under 35 U.S.C. § 103 as being unpatentable over Mages et al (5892825) or Mages et al (6185306) in view of any of Secord et al (6373831), Patel (6374355), or Foladare et al (5819160).

Regarding claim 1, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8, lines 30-50, Col. 10, lines 1-30 and claims 1-8) both disclose a method for playing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel substantially as claimed. The differences between the above and the claimed invention is the use of explicit use of a portable device. It is

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noted that at the time of filing of the parents of the instant case portable computing devices having wireless connectivity such as the Apple Powerbook were prior art and could be employed to practice the Mages et al method which is functionally equivalent to the claim limitations. Any of Secord et al (See Figs. 2-5), Patel (See Fig. 2), or Foladare et al (See Figs 1-3) show portable computing devices. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for either Mages et al because employing portable computing devices are conventional functional equivalents of the claim limitations in order to practice the disclosure of the prior art. Regarding the wireless limitations of claim 2, any of Secord et al (See Figs. 2-5), Patel (See Fig. 2), or Foladare et al (See Figs 1-3) show portable wireless computing devices that are conventional functional equivalents of the claim limitations and it would be obvious to disconnect the receiver once reception is complete since wireless charges are based on per minute rates. Regarding deleting limitations of claim 3, it is obvious to delete played media files due the limited storage capacity of mobile wireless devices. Regarding storage limitations of claim 4, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines 1-30 and claims 1-8) both disclose playing media files from two portions, each of which is unusable as a

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media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations. Regarding the component limitations of claim 5, conventional computer components include docking stations that are conventional functional equivalents of the claim limitations. Regarding transmission limitations of claim 6, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines1-30 and claims 1-8) both disclose playing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations. Regarding description limitations of claim 7, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines1-30 and claims 1-8) both disclose playing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations. Regarding key limitations of claim 8, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines1-30 and claims 1-8) both disclose playing media

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files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations because uncripling is based on employing a key. Regarding claim 9, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines 1-30 and claims 1-8) both disclose a method for preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel substantially as claimed. The differences between the above and the claimed invention is the use of explicit use of a portable device. It is noted that at the time of filing of the parents of the instant case portable computing devices having wireless connectivity such as the Apple Powerbook were prior art and could be employed to practice the Mages et al method which is functionally equivalent to the claim limitations.

Any of Secord et al (See Figs. 2-5), Patel (See Fig. 2), or Foladare et al (See Figs 1-3) show portable computing devices. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for either Mages et al because employing portable computing devices are conventional functional equivalents of the claim limitations in order to practice the disclosure of the prior art. Regarding sequencing limitations of claim 10, either Mages et al (See 825, Abstract,

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Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines 1-30 and claims 1-8) both disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations. Regarding key limitations of claim 11, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines 1-30 and claims 1-8) both disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations because uncrippling is based on employing a key. Regarding transmission limitations of claim 12, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines 1-30 and claims 1-8) both disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations. Regarding storage limitations of claim 14, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims

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1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines 1-30 and claims 1-8) both disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel from a server that is conventional functional equivalent of the claim limitations. Regarding claim 15, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines 1-30 and claims 1-8) both disclose a means for playing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel substantially as claimed. The differences between the above and the claimed invention is the use of explicit use of a portable device. It is noted that at the time of filing of the parents of the instant case portable computing devices having wireless connectivity such as the Apple Powerbook were prior art and could be employed to practice the Mages et al method which is functionally equivalent to the claim limitations. Any of Secord et al (See Figs. 2-5), Patel (See Fig. 2), or Foladare et al (See Figs 1-3) show portable computing devices. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for either Mages et al because employing portable computing devices are conventional functional equivalents of the claim limitations in order to practice the

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disclosure of the prior art. Regarding the wireless limitations of claim 16, Any of Secord et al (See Figs. 2-5), Patel (See Fig. 2), or Foladare et al (See Figs 1-3) show portable wireless computing devices that are conventional functional equivalents of the claim limitations and it would be obvious to disconnect the receiver once reception is complete since wireless charges are based on per minute rates. Regarding deleting limitations of claim 17, it is obvious to delete played media files due the limited storage capacity of mobile wireless devices. Regarding sequencing limitations of claim 18, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines 1-30 and claims 1-8) both disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations. Regarding key limitations of claim 19, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines 1-30 and claims 1-8) both disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations because uncrippling is based on employing a

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key. Regarding the memory limitations of claim 20, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines 1-30 and claims 1-8) both disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that are conventional functional equivalents of the claim limitations. Regarding configuration limitations of claim 21, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines 1-30 and claims 1-8) both disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that could obviously be wireless that is conventional functional equivalent of the claim limitations. Regarding termination limitations of claim 22, any of Secord et al (See Figs. 2-5), Patel (See Fig. 2), or Foladare et al (See Figs 1-3) show portable wireless computing devices that are conventional functional equivalents of the claim limitations and it would be obvious to disconnect the receiver once reception is complete since wireless charges are based on per minute rates. Regarding the memory limitations of claim 23, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See

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306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines 1-30 and claims 1-8) both disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel and stored in a memory means that are conventional functional equivalents of the claim limitations. Regarding removable memory limitations of claim 24, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines 1-30 and claims 1-8) both disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel and stored in a memory removable means that is conventional functional equivalent of the claim limitations.

Regarding memory limitations of claim 25, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines 1-30 and claims 1-8) both disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel and stored in a memory means that is conventional functional equivalent of the claim limitations. Regarding claim 26, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col.

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4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines 1-30 and claims 1-8) both disclose a means for playing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel substantially as claimed. The differences between the above and the claimed invention is the use of explicit use of a portable device. It is noted that at the time of filing of the parents of the instant case portable computing devices having wireless connectivity such as the Apple Powerbook were prior art and could be employed to practice the Mages et al method which is functionally equivalent to the claim limitations. Any of Secord et al (See Figs. 2-5), Patel (See Fig. 2), or Foladare et al (See Figs 1-3) show portable computing devices. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for either Mages et al because employing portable computing devices are conventional functional equivalents of the claim limitations in order to practice the disclosure of the prior art. Regarding the wireless limitations of claim 27, Any of Secord et al (See Figs. 2-5), Patel (See Fig. 2), or Foladare et al (See Figs 1-3) show portable wireless computing devices that are conventional functional equivalents of the claim limitations.

Regarding playback limitations of claim 28, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines 1-30

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and claims 1-8) both disclose playing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that are conventional functional equivalents of the claim limitations. Regarding the deletion limitations of claim 29, it is obvious to delete played media files due the limited storage capacity of mobile wireless devices. Regarding sequencing limitations of claim 30, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines 1-30 and claims 1-8) both disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations. Regarding sequencing limitations of claim 31, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines 1-30 and claims 1-8) both disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations. Regarding claim 32, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-

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50, Col. 10, lines 1-30 and claims 1-8) both disclose a server means for preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel substantially as claimed. The differences between the above and the claimed invention is the use of explicit use of a portable device. It is noted that at the time of filing of the parents of the instant case portable computing devices having wireless connectivity such as the Apple Powerbook were prior art and could be employed to practice the Mages et al method which is functionally equivalent to the claim limitations.

Any of Secord et al (See Figs. 2-5), Patel (See Fig. 2), or Foladare et al (See Figs 1-3) show portable computing devices. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for either Mages et al because employing portable computing devices are conventional functional equivalents of the claim limitations in order to practice the disclosure of the prior art. Regarding sequencing limitations of claim 33, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines 1-30 and claims 1-8) both disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations. Regarding key limitations of claim 34,

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either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines1-30 and claims 1-8) both disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations because uncripling is based on employing a key. Regarding transmission limitations of claim 35, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines1-30 and claims 1-8) both disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations. Regarding transmission limitations of claim 36, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines1-30 and claims 1-8) both disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations. Regarding storage limitations of claim 38, either Mages et al (See 825, Abstract,

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Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines 1-30 and claims 1-8) both disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel from a server that is conventional functional equivalent of the claim limitations. Regarding claim 39, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines 1-30 and claims 1-8) both disclose a means for playing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel substantially as claimed. The differences between the above and the claimed invention is the use of explicit use of a portable device. It is noted that at the time of filing of the parents of the instant case portable computing devices having wireless connectivity such as the Apple Powerbook were prior art and could be employed to practice the Mages et al method which is functionally equivalent to the claim limitations. Any of Secord et al (See Figs. 2-5), Patel (See Fig. 2), or Foladare et al (See Figs 1-3) show portable computing devices. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for either Mages et al because employing portable computing devices are conventional functional

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equivalents of the claim limitations in order to practice the disclosure of the prior art. Regarding player limitations of claim 40, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines 1-30 and claims 1-8) both disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel and subsequently played that is conventional functional equivalent of the claim limitations. Regarding reconstruction limitations of claim 41, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines 1-30 and claims 1-8) both disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations. Regarding the transceiver limitations of claim 42, any of Secord et al (See Figs. 2-5), Patel (See Fig. 2), or Foladare et al (See Figs 1-3) show portable wireless computing devices that are conventional functional equivalents of the claim limitations and it would be obvious to disconnect the receiver once reception is complete since wireless charges are based on per minute rates. Regarding configuration limitations of claim 43, either Mages et al (See 825, Abstract, Figs. 3-7, Col.

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4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines 1-30 and claims 1-8) both disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations. Regarding key limitations of claim 44, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines 1-30 and claims 1-8) both disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations because uncrippling is based on employing a key. Regarding the request limitations of claim 45, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines 1-30 and claims 1-8) both disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that are conventional functional equivalents of the claim limitations. Regarding the configuration limitations of claim 46, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et

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al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines 1-30 and claims 1-8) both disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that are conventional functional equivalents of the claim limitations. Regarding the wireless limitations of claim 47, any of Secord et al (See Figs. 2-5), Patel (See Fig. 2), or Foladare et al (See Figs 1-3) show portable wireless computing devices that are conventional functional equivalents of the claim limitations. Regarding the memory limitations of claim 48, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines 1-30 and claims 1-8) both disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that are conventional functional equivalents of the claim limitations. Regarding the memory limitations of claim 49, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines 1-30 and claims 1-8) both disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that are conventional functional equivalents of the claim limitations. Regarding the

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wireless limitations of claim 50, any of Secord et al (See Figs. 2-5), Patel (See Fig. 2), or Foladare et al (See Figs 1-3) show portable wireless computing devices that are conventional functional equivalents of the claim limitations. Regarding claim 51, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines 1-30 and claims 1-8) both disclose a means for playing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel substantially as claimed. The differences between the above and the claimed invention is the use of explicit use of a portable device. It is noted that at the time of filing of the parents of the instant case portable computing devices having wireless connectivity such as the Apple Powerbook were prior art and could be employed to practice the Mages et al method which is functionally equivalent to the claim limitations. Any of Secord et al (See Figs. 2-5), Patel (See Fig. 2), or Foladare et al (See Figs 1-3) show portable computing devices. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for either Mages et al because employing portable computing devices are conventional functional equivalents of the claim limitations in order to practice the disclosure of the prior art. Regarding key limitations of claim 52, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4,

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lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines 1-30 and claims 1-8) both disclose preparing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations because uncripling is based on employing a key. Regarding claim 53, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines 1-30 and claims 1-8) both disclose a computer medium method for playing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel substantially as claimed. The differences between the above and the claimed invention is the use of explicit use of a portable device. It is noted that at the time of filing of the parents of the instant case portable computing devices having wireless connectivity such as the Apple Powerbook were prior art and could be employed to practice the Mages et al method which is functionally equivalent to the claim limitations. Any of Secord et al (See Figs. 2-5), Patel (See Fig. 2), or Foladare et al (See Figs 1-3) show portable computing devices. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for either Mages et al because employing portable

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computing devices are conventional functional equivalents of the claim limitations in order to practice the disclosure of the prior art. Regarding the wireless limitations of claim 54, any of Secord et al (See Figs. 2-5), Patel (See Fig. 2), or Foladare et al (See Figs 1-3) show portable wireless computing devices that are conventional functional equivalents of the claim limitations and it would be obvious to disconnect the receiver once reception is complete since wireless charges are based on per minute rates. Regarding deleting limitations of claim 55, it is obvious to delete played media files due the limited storage capacity of mobile wireless devices. Regarding storage limitations of claim 56, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines 1-30 and claims 1-8) both disclose playing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations. Regarding the component limitations of claim 57, conventional computer components include docking stations that are conventional functional equivalents of the claim limitations. Regarding transmission limitations of claim 58, either Mages et al (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8. lines 30-50, Col. 10, lines 1-

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30 and claims 1-8) both disclose playing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations. Regarding description limitations of claim 59, either Mages et al. (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al. (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8, lines 30-50, Col. 10, lines 1-30 and claims 1-8) both disclose playing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations. Regarding key limitations of claim 60, either Mages et al. (See 825, Abstract, Figs. 3-7, Col. 4, lines 10-50, Col. 8, lines 20-45, and claims 1-19) or Mages et al. (See 306 Figs. 3-3, and 12, Col. 4, lines 1-65, Col. 8, lines 30-50, Col. 10, lines 1-30 and claims 1-8) both disclose playing media files from two portions, each of which is unusable as a media file and each of which is delivered via a separate channel that is conventional functional equivalent of the claim limitations because uncripling is based on employing a key.

Examiner's Note: Although Examiner has cited particular columns, line numbers and figures in the references as applied to the claims above for the convenience of the applicant(s), the specified citations are merely representative of the teaching of the prior art that are applied to specific limitations within the

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individual claim and other passages and figures may apply as well. It is respectfully requested that the applicant(s), in preparing the response, fully consider the items of evidence in their entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

3. The following is a quotation of the first paragraph of 35 U.S.C. 112: The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-12, 14-36,38-60 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The specification as originally filed contains no support for "without reference to a first file". There are new claims without support in the specification. This is the first instance of this invention which is unrelated and unsupported by the

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original filing. Cancellation of the new matter is required.

Applicants arguments dated 08/11/2005 have been considered but are not persuasive. The argument relies on limitations which constitute new matter "without reference to a first file" is not found in the original specification.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Salvatore Cangialosi at telephone number **(571) 272-6927**. The examiner can normally be reached 6:30 Am to 5:00 PM, Tuesday through Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can

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be reached at **(571)272-6712**.

Any response to this action should be mailed to:

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

or faxed to (703)872-9306

Hand delivered responses should be brought to

United States Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 3600 Customer Service Office whose telephone number is **(703) 306-5771**.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


SALVATORE CANGIALOSI
PRIMARY EXAMINER
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